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RECEIVED IN OFFICE OF
ROBERT B. COLLINGS
U.S. MAGISTRATE JUDGE

FEB 11 2004

UNITED STATES DISTRICT COURT
BOSTON, MASSACHUSETTS

February 11, 2004

BY U.S. MAIL AND
VIA FACSIMILE (617) 748-9231

The Honorable Magistrate
Judge Robert Collings
U.S. District Court
John Joseph Moakley U.S. Courthouse
1 Courthouse Way
Boston, MA 02210

Re: United States v. Bannerman
Criminal No. 03-10370-DPW

Your Honor:

Please be advised that I have prepared this letter to explain my absence from the Initial Status Conference, held in the above captioned matter on Monday February 9, 2004 at 2:00 p.m.

The Court file will reflect that the matter was originally scheduled for February 10, 2004 at 2:15 p.m. (as reflected in the original Court note of the December 16, 2003 proceedings).

At the conclusion of the second day of my client's Douglas Bannerman's detention hearing (December 17, 2003), based on a scheduling conflict, the Court orally announced that the Initial Status Conference date would be changed to February 9, 2004 at 2:00 p.m.

I was present when the Court announced the new date, and a subsequent review of my file reflects that when the Court's Scheduling Order was received, the February 9, 2004 date was reflected in the Order.

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I was of the belief I had corrected both my pocket and office diary to reflect the date change, and for that reason I did not cross check my diary, after receiving the Court's Scheduling Order.

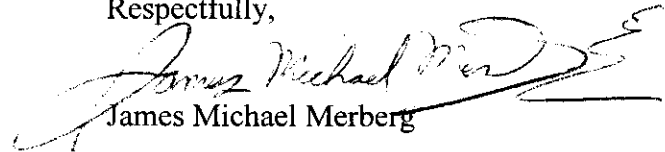
I apologize to the Court and all counsel for this scheduling error on my part. I can assure the Court that I did not intend any disrespect to the Court or counsel.

Your Courtroom Deputy was very gracious in calling my office inquiring as to my whereabouts on Monday afternoon. Had I been in Boston when the call was received, I would have immediately appeared before the Court.

Unfortunately, I was actually engaged in a matter before the United States District For the District of Maine at Portland, in a hearing which began at 2:00 p.m. before the Honorable Magistrate Judge David M. Cohen, in the matter of United States v. Carl Decotis, Jr., Criminal Docket No. 03CR-45-P-S-02.

I again apologize for any inconvenience I have caused Court and all counsel.

Respectfully,



James Michael Merberg

cc: **VIA FACSIMILE (617) 748-3965**
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